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CITY of MODESTO

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September 16, 1999

CALFED Bay-Delta Program
ATTN: Rick Breitenbach
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

Subject: *Draft Programmatic EIS/EIR Comments*

Dear Mr. Breitenbach:

The City of Modesto is pleased to have the opportunity to offer these comments on the CALFED Bay-Delta *Draft Programmatic EIS/EIR* and its appendices, including the *Revised Phase II Report*.

The City of Modesto is located along the confluence of the Tuolumne River with its tributary Dry Creek. Though not formally a part of the legally defined Delta, the Dry Creek-Tuolumne waterways feed the San Joaquin River and are considered part of the CALFED Bay-Delta program study area.

The City of Modesto is supportive of the collaborative approach that CALFED has utilized to address issues of concern within the Bay-Delta. We also generally concur with the policies and projects included as part of the proposed Bay-Delta Program. Of the alternatives examined by the *Draft Programmatic EIS/EIR*, the City of Modesto prefers Alternative 3. Our second preference is the preferred alternative selected by CALFED Bay-Delta. In addition, we offer the following comments pertaining both to environmental and policy concerns within the *Draft Programmatic EIS/EIR*:

A. Environmental Concerns

1. *Agricultural Water Impacts*

While the City of Modesto realizes the importance of water conservation and treatment to ensuring a quality water supply for current and future generations, we believe that water improvements cannot come

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solely at the expense of urban water users. The preponderance of the water used within the state of California is directed toward agriculture. The Department of Water Resources estimates water usage statewide as 33,780 TAF for agricultural vs. 8,770 TAF for urban uses (1995). In the San Joaquin River hydrologic region, of which Modesto is a part, the disparity is even greater, with 7,027 TAF used for agriculture vs. 574 TAF used for urban purposes (1995) [*California Water Plan Update Bulletin 160-98*]. Placing greater restrictions on urban water users in the absence of comparable restrictions on agricultural water users unfairly burdens urban users. Water quality and supply improvements cannot be made primarily at the expense of urban users.

2. Large-scale Restoration Projects, Tuolumne River

The City of Modesto, City of Ceres and Stanislaus County have a Joint Powers agreement governing property located within the Tuolumne River Regional Park (TRRP). This regional park abuts the Tuolumne River as it passes through the Modesto-Ceres urbanized area. The TRRP Commission has recently begun preparation of an update of the Tuolumne River Regional Park Land Use Study for the Tuolumne River Regional Park. While we are supportive of restoration efforts within the Tuolumne River riparian area, we must also provide adequate recreational access to the river to support the objectives of the plan. To this end, we request that restoration efforts of the CALFED Bay-Delta program be balanced with recreational needs and that the Joint Powers Authority be included as a stakeholder in the discussion of restoration projects.

B. Policy Concerns

1. Water Quality

a. Wastewater Treatment Plant: The City of Modesto currently complies with its NPDES discharge requirements. While we understand the benefits of additional water quality improvement for fish habitat, we are concerned regarding the nature and extent of upgrades required at our wastewater treatment plant to achieve more stringent discharge standards.

b. Stormwater Runoff: The City of Modesto uses dry wells and stormwater detention ponds for disposal and treatment of urban runoff. The costs of upgrading the quality of our stormwater discharge would be too large for us to absorb under current fiscal conditions. We recommend the CALFED program include financing mechanisms to assist urban areas in upgrading stormwater discharge systems to improve downstream water quality.

c. Vernalis Quality Objectives: The burden for water quality improvements needed to meet Vernalis quality objectives should be attributed to the appropriate upstream users and should not be shifted to urban users.

2. Water Transfers

The City is generally supportive of further development of a state-wide water transfer market. We agree that such a market should be both voluntary and compensatory. We would not support mandatory or uncompensated water transfers, as this would impact the ability of the City of Modesto to meet current and planned future water supply needs.

3. Water Meter Legislation

The City of Modesto does not use water meters to measure water usage by its residential customers, though industrial and commercial users are metered. Water meters have been required in new construction since 1992, but much of the City does not have water meters at all. Costs for retrofitting existing residences with water meters and providing City personnel to read those meters are estimated to be \$18 million. These costs would be passed on to water users, thereby making local public support for water meter legislation difficult. We recommend that CALFED consider including funding sources as part of its water meter legislation.

4. Urban BMP Certification Process

The Urban BMP Certification Process, part of the water efficiency program, may have major financial impacts upon the City of Modesto. While it is possible to obtain exceptions from the BMPs based upon a cost/benefit analysis, this analysis is to be based upon statewide comparisons that include environmental considerations. The CALFED document is vague in its descriptions of how this process will work and the City requests this be clarified in the final EIS/EIR.

The City of Modesto appreciates this opportunity to comment on the CALFED Bay-Delta Program Draft Programmatic EIS/EIR. Please keep us informed regarding the progress of the program. If you have any questions, please feel free to contact Mr. Patrick Foran in the Strategic Planning Division at 577-5352.

Sincerely,



Paul Baxter
Acting City Manager

PF;JC/jlc

cc: Glen Lewis
James Niskanen
Van Switzer
Patrick Foran
Mike Gilton
Fred Allen, Jr.
Jana Coons